PATENT #7  
CA  
7/24/03

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jeffrey S. Hastings *et al.*

APPLICATION NO.: 09/976,686

FILING DATE: October 11, 2001

TITLE: FAIL SAFE RECOVERY

EXAMINER: UNASSIGNED

GROUP ART UNIT: 2184

ATTY. DKT. NO.: 22407-05490

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JUL 24 2002

Technology Center 2100

## CERTIFICATE OF MAILING

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Dated: July 17, 2002

By: 

Brian M. Hoffman, Reg. No. 39,713

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## INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing

date of a first office action on the merits, whichever event last occurred;  
and

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
  - ☒ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☒ items A1, A4, B1, and B3 of information contained in this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

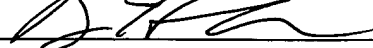
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant request that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. [APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☒ Items A1, A4, B1, and B3 of information contained in this Information Disclosure Statement were cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

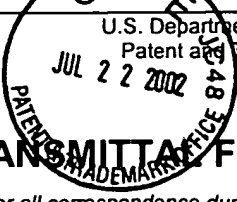
Respectfully submitted,

JEFFREY S. HASTINGS *et al.*

Dated: July 17, 2002

By:   
Brian M. Hoffman, Reg. No. 39,713  
Attorney for Applicants  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (415) 875-2484  
Fax: (415) 281-1350

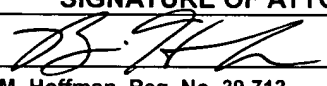
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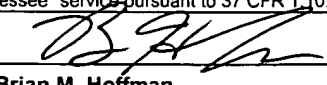
0001/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	09/976,686
 <p><b>TRANSMITTAL FORM</b> to be used for all correspondence during pendency of filed application)</p>		Filing Date	October 11, 2001	<p>Technology Center 2100</p> <p>JUL 24 2002</p>	
		First Named Inventor	Jeffrey S. Hastings et al.		
		Group Art Unit Number	2184		
		Examiner Name	UNASSIGNED		
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REMARKS: \* references not included in page count

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Brian M. Hoffman, Reg. No. 39,713	Dated:	July 17, 2002

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